IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

Bail Appl..No. 6009 of 2007()

CMP.3243/2007 of J.M.F.C.-I,THAMARASSERY
CRIME NO.399/07 OF THE THAMARASSERY POLICE STATION

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: PETITIONERS/ACCUSED NOS.1 TO 3

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1. SULAIMAN, S/O. AHAMMED KUTTY,
AGED 50 YEARS, VATTIKUNNUMMAL HOUSE,
EARPPONA, KEDAVOOR AMSOM DESOM,
THAMARASSERY, KOZHIKODE.

2. JAISAL, S/O. SULAIMAN, AGED 20 YEARS,
VATTIKUNNUMMAL HOUSE, EARPPONA,
KEDAVOOR AMSOM DESOM, THAMARASSERY, KOZHIKODE.

3. HAMJAD, S/O. MUHAMMED, AGED 23 YEARS,
VATTIKUNNAMPOYIL HOUSE, EARPPONA,
KEDAVOOR AMSOM DESOM, THAMARASSERY, KOZHIKODE.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE, THAMARASSERY POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.6009 of 2007

Dated this the 5th day of October, 2007

ORDER

Application for regular bail. The petitioners are accused 1 to 3 in a crime registered for offences punishable, inter alia, under Sec.308 of the IPC. Accused 1 and 2 were arrested on 16/9/07 and accused No.3 was arrested on 25/9/07. They continue in custody from that date.

2. The de facto complainant is an associate of a person who has obtained a licence to run a quarry. Some local persons are raising objections against the running of the quarry. It is submitted that, as per an order passed by this Court, the said person has been granted police protection to run the quarry. It is unnecessary for me to go into those details. The crux of the allegations is that the de facto complainant and an associate of such person were assaulted by a group of persons including the petitioners consequent to

the dispute regarding the running of the quarry. The alleged incident took place on 4/9/07. The victims have not suffered any serious injury. The petitioners continue in custody from the dates of their arrest.

3. The learned counsel for the petitioners submits that the allegations are totally false. The allegation under Sec.308 of the IPC has been included without any justification with the transparent purpose of vexation. The petitioners may, in these circumstances, be granted regular bail subject to appropriate conditions, it is prayed.

4. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor concedes that the injuries suffered are not serious. However, the learned Public Prosecutor submits that 5 earlier crimes have been registered and that there is a grave law and order situation in the locality. Sec.107 proceedings have been initiated against the petitioners and others and, in these circumstances, proper and adequate conditions may be imposed.

5. Having considered all the relevant inputs, I am satisfied that the petitioners can be enlarged on bail subject to appropriate terms and conditions.

6. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make themselves available for interrogation before the Investigating Officer at the Thamarassery Police Station on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) The petitioners shall not, during the said period of two months, enter the jurisdiction of the Thamarassery Police Station without the prior permission of the learned Magistrate, except for the purpose of complying with Condition No.(ii) above.

(R. BASANT, JUDGE)

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